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(List of Additional Counsel Attached)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## LOCAL 10, INTERNATIONAL LONGSHORE )

AND WAREHOUSE UNION, et al., ) **File No.** No. C 03-2962 TEH (JL)

Plaintiffs, ) Hon. Thelton E. Henderson  
vs. )

)  
OF OAKLAND; et al., )  
 ) STIPULATION AND (PR

CITY OF OAKLAND; et al.,  
Defendants.  
 ) STIPULATION AND (PROPOSED) ORDER  
 ) DISMISSING INDIVIDUAL OFFICER  
 ) DEFENDANTS WITH PREJUDICE AS TO  
 ) PLAINTIFF DAVID LOVILLE ONLY

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**C03-2962 THE (JL)**

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25 **Counsel for defendant CITY OF OAKLAND et al**

## **STIPULATION**

IT IS HEREBY STIPULATED by and between the parties, Plaintiff DAVID LOVILLE, and the Defendants CITY OF OAKLAND, RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C. DELROSARIO, through their designated counsel that the above-captioned action entitled Local 10, International Longshore and Warehouse Union, et al., vs. City of Oakland, et al, and numbered C 03-2962 TEH (JL), be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(1), as to all of the claims of plaintiff DAVID LOVILLE ONLY, against the individual officer defendants ONLY, whose names are listed as follows:

RICHARD WORD, PATRICK HAW, ROD YEE, E. POULSON, HOWARD A. JORDAN,  
DAVE KOZICKI, T. HOGENMILLER, E. TRACEY, R. GUTIEREZ, A. OERLEAMNS, R.  
HOLMGREN, P. GONZALES, S. KNIGHT, M. RANDALL, R. CHAN, R. OROZCO, G.  
BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M. MACK, J. KELLY, OFFICER, SOUZA,  
J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM, SGT. G. TOLLESON, SGT. D.  
CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F. UU, OFF. B. WORDEN, OFF.  
J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E. ROMANS and OFF. C.  
DELROSARIO.

It is acknowledged that DAVID LOVILLE's claims against the CITY OF OAKLAND are to be resolved pursuant to his acceptance of the CITY OF OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to California CCP § 998 dated February 17, 2005. This dismissal with prejudice of the individual officer defendants is a condition of that offer of judgment and offer to compromise.

1 Dated: July 18, 2005

2 \_\_\_\_\_/s/\_\_\_\_\_

3 JOHN L. BURRIS

4 Attorney for Plaintiffs in Local 10, et al.

5 Dated: July 22, 2005

6 \_\_\_\_\_/s/\_\_\_\_\_

7 GREGORY M. FOX

8 Attorney for Defendants City of Oakland et al.

9 **ORDER**

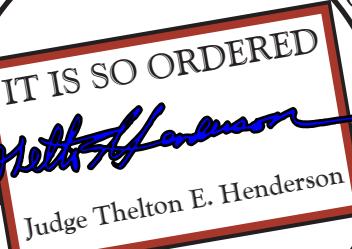
10 Having reviewed the stipulation of the parties, and good cause appearing therefore  
11 THIS COURT ORDERS THAT, pursuant to the parties' stipulation and the CITY OF  
12 OAKLAND's offer of judgment pursuant to FRCP Rule 68 and offer of compromise pursuant to  
13 California CCP § 998 dated February 17, 2005, and plaintiff DAVID LOVILLE's acceptance thereof,  
14 Plaintiff DAVID LOVILLE's action No. C -03-2962 THE (JL) shall be and hereby is dismissed  
15 with prejudice as against the following defendants ONLY: RICHARD WORD, PATRICK HAW,  
16 ROD YEE, E. POULSON, HOWARD A. JORDAN, DAVE KOZICKI, T. HOGENMILLER, E.  
17 TRACEY, R. GUTIEREZ, A. OERLEAMNS, R. HOLMGREN, P. GONZALES, S. KNIGHT, M.  
18 RANDALL, R. CHAN, R. OROZCO, G. BELLUSA, P. HUPPERT, J. SCOTT, J. KURZROCK, M.  
19 MACK, J. KELLY, OFFICER, SOUZA, J. MUSCHI, S. JOHNSON, OFFICER KARSABOOM,  
20 SGT. G. TOLLESON, SGT. D. CAMPBELL, OFF. R. MOORE, OFF. A. STEINBERGER, OFF. F.  
21 UU, OFF. B. WORDEN, OFF. J. FUKADA, OFF. J. DOOLITTLE, OFF. C. SAUNDERS, OFF. E.  
22 ROMANS and OFF. C. DELROSARIO.

23 BY STIPULATION OF THE PARTIES, IT IS SO ORDERED.

24 DATE

25 THELTON E. HENDERSON

26 UNITED STATES DISTRICT JUDGE

27   
28 Judge Thelton E. Henderson

1       *I hereby attest that I have on file all holograph signatures for any signatures indicated by a*  
2       *"conformed" signature (/s/) within this E-filed document. Dated: July 22, 2005.*

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5       By: \_\_\_\_\_ /s/  
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